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APR 28 2003

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STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

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APR 29 2003

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January 24, 2003

Chairman Michael Powell
 Commissioner Kevin Martin
 Commissioner Kathleen Abernathy
 Commissioner Michael Copps
 Commissioner Jonathan Adelstein
 445 12th Street SW, Portals II Building
 Washington, D.C. 20544

RE: Notice of Written Ex Parte Comment: *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket Nos. 01-338, 96-98 and 98-147, Notice of Proposed Rulemaking, FCC 01-361 (rel. Dec. 20, 2001).

Dear Commissioners:

As the Commission works to finish the critical Triennial Review, we are writing to remind the Commission of the enormous consumer benefits of UNE-P and line sharing; the critical necessity of preserving these elements on the FCC's national UNE list, and the importance to Minnesota of maintaining maximal state discretion over adding UNEs to a national list.

The Minnesota Public Utilities Commission (MPUC) remains focused on the difficult tasks of promoting competition and investment in the local telecommunications industry, as envisioned by the 1996 Telecommunications Act, and assuring that consumers receive quality services at fair and reasonable prices. We emphasize that we cannot accomplish these goals without the availability of effective competitive entry strategies such as UNE-P and line sharing.

UNE-P remains the fastest growing form of local competition in the nation serving an estimated ten million residential and small business lines (over 85,000 lines in Minnesota). UNE-P fosters geographically broad competition and, because it is provisioned electronically, it enables carriers to compete for smaller mass market customers.

The MPUC has been a national leader in establishing line sharing as method of enhancing competition. In October of 1999, pursuant to Minnesota law, the MPUC concluded that:

[T]he denial of line sharing at an equitable price is discriminatory and presents a barrier to competition. Although data CLECs have the ability to buy unbundled loops, without line sharing they may not have access to any loops if all loops are occupied by other services. Moreover, by forcing CLECs to purchase individual unbundled loops, while ILECs impute \$0 to the loop for their own DSL services, the ILEC is

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98-147

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SEE DOCKET NO. **01-338** FOR THE DOCUMENT.